

November 22, 2021

Via electronic filing/e-mail

The Honorable Jocelyn Boyd
Chief Clerk and Executive Director
The Public Service Commission of South Carolina
101 Executive Drive, Suite 100
Columbia, SC 29210

RE: Docket 2021-349-E

Dear Ms. Boyd:

I am writing on behalf of our client Google, LLC ("Google"), and on behalf of Google's counsel (myself, my law partner Court Walsh, and Google in-house counsel Jamey Goldin) as to the Commission's email request of Friday November 19, 2021 via Hope Adams that the Google counsel complete the "Allowable Ex Parte Communication Briefing Certified Statement" form ("Certification Form") in regard to the Duke Energy Progress, LLC and Duke Energy Carolinas, LLC ("Duke Energy") *ex parte* briefing of November 19, 2021 undertaken in relation to Docket 2021-349-E. For the below reasons, Google and its counsel are unable and hereby decline to complete the Certification Form as presented.

58-3-260 (c)(6)(a)(iii) states:

"(iii) each party, person, commissioner, and commission employee present, within forty-eight hours of the briefing, files a certification with the Executive Director of the Office of Regulatory Staff that no commitment, predetermination, or prediction of any commissioner's action as to any ultimate or penultimate issue or any commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding **was requested by any person or party** nor any commitment, predetermination, or prediction was given by any commissioner or commission employee as to any commission action or commission employee opinion or recommendation on any ultimate or penultimate issue;" (emphasis added).

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Google and its counsel hereby certify to the Commission's compliance with the latter portion of SC Code Ann. 58-3-260 (c)(6)(a)(iii), that being the Commission and Commission employees' compliance with the following:

".... nor any commitment, predetermination, or prediction was given by any commissioner or commission employee as to any commission action or commission employee opinion or recommendation on any ultimate or penultimate issue;"

Google and its counsel hereby decline to certify the *ex parte* briefing presenters' compliance with the initial portion of SC Code Ann. 58-3-260 (c)(6)(a)(iii), that portion being:

"(iii) ... that no commitment, predetermination, or prediction of any commissioner's action as to any ultimate or penultimate issue or any commission employee's opinion or recommendation as to any ultimate or penultimate issue in any proceeding **was requested by any person or party**..."(emphasis added).

Finally, Google hereby reserves the right to amend or supplement this letter at a later date as to additional details on the presenters' failure to comply with S.C. Code Ann. 58-3-260 (c)(6)(a)(iii) in the November 19, 2021 *ex parte* briefing, if additional details would be helpful to the Commission.

Thanks very much for your assistance in this regard.

Very Truly Yours,



Weston Adams, III

WA

Cc: Hope Adams, SCPSC- *Via email*

Cc: Nanette Edwards, Executive Director, SCORS- *Via email*

Cc: All counsel of record- *Via electronic service*